IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE G. BIKSHAPATHY

and

THE HON'BLE Mr. JUSTICE P.S.NARAYANA

W.P. NOs : 22133 of 2004; 298, 1024, 1837 and 3225 of 2005

WRIT PETITION NO : 22133 of 2004

Between:

V. Krishna Murthy, S/o. V. Rama Brahma Chary, Town Planning Officer, Proddutur Municipality, Proddutur, Kadapa District.

..... PETITIONER

AND

1. State of A.P., represented by its Principal Secretary to Government., MA & U.D. Department., Secretariat Buildings, Hyderabad.
2. Director of Town and Country Planning, Govt of A.P., Hyderabad.
3. The Commissioner, Proddutur Municipality, Proddutur, Kadapa District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ more in the nature of a Writ of Mandamus declaring the order of the A.P. Administratie Tribunal in dismissing the O.A. on the office objection further declaring the proceedings of the 2nd respondent Director of Town and Country Planning , Government of A.P. Hyd in his Roc.No.4208/2004/M4, Dt.

24.5.2004 placing the petitioner under suspension pending enquiry as being arbitrary and illegal, violtive of Articles 14 and 21 of the constitutio of India nd also the guidelines of the Government issued in Memo No.554/Ser.C/93-6 GAD, dt. 26.12.1994, and issue consequential direction to forthwith reinstate the petitiner and issue such other writ or order or direction to forthwith reinstate the petitioner.

Counsel for the Petitioner:MR.CH.SAMSON BABU

Counsel for the Respondent No.1: GP FOR SERVICES-I

Counsel for the Respondents-2 & 3: Mr. S.I.Newton.

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WRIT PETITION NO : 298 of 2005

Between:

P. Srinivasa Rao S/o Sri Venkateshwara Rao
C.T. Cheek Post, Mancherial Adilabad District

..... PETITIONER

AND

1. The State of Andhra Pradesh represented by Secretary,

Revenue Department Secrtariat Buildings,
Hyderabad

2 The Commissioner of Commercial Taxes Andhra Pradesh, Hyderabad

3 The Deputy Commercial Tax Officer Warangal Division Warangal

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ more in the nature of WRit of certiorary, calling for the records in O.A. No. 88/2005 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same, holding that the orders are passed in a mechanical way and quash the same, holding that the orders are passed in a mechanical way and consequently, set a side the orders of the 3rd respondnet Deputy Commercial tAx Officer, Warangal Division, Warangal in his Rc. NO. A. 10/1551/2004 dated 13-12-2003 and issue such other Writ or order or direction as deemed fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.CH.SAMSON BABU

Counsel for the Respondent No.: GP FOR SERVICES-I

WRIT PETITION NO : 1024 of 2005

Between:

A. Potha Reddy, S/o. Linga Reddy,

C.T. Check Post, Mancherial, Adilabad District.

..... PETITIONER

AND

1. The State of Andhra Pradesh, Represented by its Secretary,

Revenue Department Secretariat Building, Hyderabad.

2 The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.

3 The Deputy Commercial Tax Officer, Warangal Division, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ more in the nature of writ of certiorary, calling for the records in O.A.No. 89/2005 on the file of the Hin'ble A.P. Administrative Tribunal, Hyderabad and quash the same, holding that the orders are passed in a mechanical way and consequently, set aside the orders of the 3rd respondent Deputy Commercial Tax Officer, Warangal Division, Warangal in his Rc.No. A.10/1551/2004 dated 13-12-2004, and issue such other writ or order or direction as deemed fit and proper in the circumstances of case.

Counsel for the Petitioner:MR.CH.SAMSON BABU

Counsel for the Respondent No.: GP FOR SERVICES I

WRIT PETITION NO : 1837 of 2005

Between:

G. Soma Narasaiah, S/o. Vishwanatham, Asst. C.T.Officer,
C.T. Check Post, Bhainsa, Adilabad District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, Rep. by its Secretary, Revenue Department, Secretariat Building, HYDERABAD.

2 The Commissioner of Commercial Taxes, Andhra Pradesh, HYDERABAD.

3 The Deputy Commercial Taxe Officer, Warangal Division, WARANGAL.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature fo writ of certiorary, calling for the records in O.A.No.90/2005 on the file of the HOn'ble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same, holding that the orders are passed in a

mechanical way and consequently, set aside the orders of the 3rd respondent Deputy Commercial Tax Officer, Warangal Division, Warangal in his Rc.No. A.10/1551/2004 dated 13-12-2004, and issue such other writ or order or direction as deemed fit and proper in the circumstances of case.

Counsel for the Petitioner:MR.CH.SAMSON BABU

Counsel for the Respondent No.: GP FOR SERVICES I

WRIT PETITION NO : 3225 of 2005

Between:

K. Sambasiva Rao, S/o. K. Sivashankaran,
Muncipal Corporation, Guntur (Under Suspension)

..... PETITIONER

AND

1 The Government of AP, represented by its Secretary,
Medical and Health Department, Secretariat Buildings, Hyderabad.
2 The Director of Medical and Health, Sultan Bazar, Hyderabad.
3 The Director General of Anti Corruption Bureau, M.J. Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an order or direction more particularly one in the nature of writ of mandamus calling for the records relating to the Proc.Rc.6874/VC.A/2004, dt. 4-11-2004 issued by the 2nd respondent and also the orders of the AP Administrative Tribunal passed in OA 6657/2004, dt. 10-12-2004 and declare the same as illegal, arbitrary and contrary to the circular instructions of the Government issued vide Memo No. 554/Services-C/93-6, dt. 26-12-1994 and further direct the Respondents to continue the petitioner as Municipal Health Officer, Municipal Corporation, Guntur and pass such other and further order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.P.RAGHAVENDRA REDDY

Counsel for the Respondent No.: GP FOR SERVICES I

COMMON ORDER:

All the Writ Petitions are directed against the Order of A.P. Administrative Tribunal, wherein the challenge made to the Order of suspension, was rejected by the Tribunal and thus dismissed the O.As.

2. All the petitioners have been suspended from service pending

disciplinary enquiry/A.C.B enquiry. The applicants filed O.As., challenging the suspension orders. The O.As., were dismissed by the Tribunal on the ground that they have not exhausted appeal remedy as provided under the Classification, Control and Appeal Rules (for short 'the Rules')

3. Though it is sought to be contended by the learned counsel for the petitioners that it is not an effective alternative remedy and that should not create an obstacle to approach this Court under Article 226 of the Constitution of India. They also submit that when the order itself is without jurisdiction, it is always open for the employees to approach the Tribunal challenging the orders of suspension. But however, we are not inclined to go into the merits of the batch of writ petitions, suffice to say more than three months was elapsed after passing of the suspension orders. Therefore, under the Rules, the Government is required to review the Order of suspension keeping in view the individual facts and circumstances of the case. In the wake of this scenario, we are inclined to dispose of the Writ Petitions with a direction that the Government shall review the orders of suspension within a period of two months from the date of receipt of the copy of this Order. Till such time the review is conducted, the interim Orders passed by this Court suspending the Orders of suspension, wherever applicable, shall continue to be in operation. However, it is made clear that if reviews are not undertaken and final orders are not passed by the Court within the time stipulated above, the orders of suspension shall not be given effect to and the petitioners shall be continued in service.

4. With the direction indicated above, the Writ Petitions were disposed of. No costs.

(G. BIKSHAPATHY, J)

(P.S. NARAYANA, J)

9th March 2005.

BCS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary to Government., MA & U.D. Department., State of A.P., Secretariat Buildings, Hyderabad.
2. The Director of Town and Country Planning, Govt of A.P., Hyderabad.
3. The Commissioner, Proddutur Municipality, Proddutur,Kadapa District.
4. The Secretary, Revenue Department, State of Andhra Pradesh, Secretariat Buildings, Hyderabad
5. The Commissioner of Commercial Taxes Andhra Pradesh, Hyderabad
6. The Deputy Commercial Tax Officer Warangal Division Warangal
7. The Secretary, Medical and Health Department, Government of AP, Secretariat Buildings, Hyderabad.
8. The Director of Medical and Health, Sultan Bazar, Hyderabad.
9. The Director General of Anti Corruption Bureau, M.J. Road, Hyderabad.

10. 2.C.Cs. to G.P.for Services-I, A.P. High Court Buildings, Hyderabad.(OUT)
11. 1 CC to MR.NEWTON
12. 2 CD copies
13. The Registrar, A.P. Administrative Tribunal, Hyderabad.